92-294

Supreme Court, U.S.
FILED
AUG 14 1992
OFFICE OF THE CLERK

No.

Supreme Court of the United States

Term October 1992

Roger W. Knight, petitioner

v.

State of Washington, Department
of Social and Health Services,
respondent.

On Writ of Certiori to the
Supreme Court of the State of Washington

PETITION FOR WRIT OF CERTIORI TO THE SUPREME COURT OF THE STATE OF WASHINGTON

Roger W. Knight, pro se
28945 11th Pl. S.
Federal Way, Washington 98003
206-839-4107 home
206-237-3618 work

I. Questions Presented For Review

A. Is Washington's statutory scheme for child support, enforced against Mr. Knight, a bill of attainder prohibited by Article I Section 10 clause 1 of the Constitution?

B. Does Mr. Knight have the requisite standing to challenge RCW 26.18.050, which provides for contempt proceedings, arrest, and imprisonment against any person who fails to comply with a support order?

C. Does RCW 26.18.050 deny to the class of persons ordered to pay support equal protection of Article I Section 17 of the Washington Constitution, which prohibits imprisonment for debt, in violation of the Fourteenth Amendment?

D. Does RCW 26.18.050, when applied to persons similarly situated with Mr. Knight as being unable to comply with a support order without being employed, constitute involuntary servitude in violation of the Thirteenth Amendment; and is such use of state law null and void as peonage under 42 U.S.C. §1994; and does it constitute the crime defined by 18 U.S.C. §1581?

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IV. Decision Below

The denial of Mr. Knight's Petition for Review by the Supreme Court of the State of Washington is noted on 119 Wash. 2d. 1016.
The decision by the commissioner of the state Court of Appeals, Division One is not noted in the Washington Appellate Reports.

V. Statement of Grounds For Jurisdiction of this Court

The Supreme Court of the State of Washington, which is the highest court of the State of Washington in which a decision can be had, denied Mr. Knight's Petition for Review on June 30, 1992. This is a final judgment of this court. This case draws into question the validity of several statutes of the State of Washington on the grounds of being repugnant to the Constitution and laws of the United States.
This Petition for Writ of Certiori is presented within 90 days of this final decision.
This Court has jurisdiction to review this decision provided by 28 U.S.C. §1257.

VI. Laws Involved in this Case

Provisions of the United States Constitution

Article I Section 10 Clause 1
No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

Ninth Article of Amendment
The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Thirteenth Article of Amendment
Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.
Section 2. Congress shall have power to enforce this article by appropriate legislation.

Fourteenth Article of Amendment
Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or

enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Laws of the United States

18 U.S.C. §1581

(a) Whoever holds or returns any person to a condition of peonage, or arrests any person with the intent of placing him in or returning him to a condition of peonage, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

(b) Whoever obstructs, or attempts to obstruct, or in any way interferes with the enforcement of this section, shall be liable to the penalties prescribed in subsection (a).

42 U.S.C. §1994

The holding of any person to service or labor under the system known as peonage is abolished and forever prohibited in any Territory or State of the United States; and all acts, laws, resolutions, orders, regulations, or usages of any Territory or State, which have heretofore established, maintained, or enforced, or by virtue of which any attempt shall

hereafter be made to establish, maintain, or enforce, directly or indirectly, the voluntary or involuntary service or labor of any persons as peons, in liquidation of any debt or obligation, or otherwise, are declared null and void.

Article I Section 17 of the Washington Constitution

There shall be no imprisonment for debt, except in cases of absconding debtors.

Revised Code of Washington

RCW 7.21.010 The definitions in this section apply throughout this chapter:
(1) "Contempt of Court" means intentional:
(b) Disobedience of any lawful judgment, decree, order, or process of the court;
(2) "Punitive sanction" means a sanction imposed for to punish a past contempt of court for the purpose of upholding the authority of the court.
(3) "Remedial sanction" means a sanction imposed for the purpose of coercing performance when the contempt consists of the omission or refusal to perform an act that is yet in the person's power to perform.

RCW 7.21.030
(2) If the court finds that the person has failed or refused to perform an act that is yet within the person's power to perform, the court may find the

person in contempt of court and impose one or more of the following remedial sanctions:
(a) Imprisonment if the contempt of court is of a type defined in RCW 7.21.010(1)(b) through (d). The imprisonment may extend only so long as it serves a coercive purpose.

RCW 7.21.050 (1) Except as otherwise provided in RCW 7.21.050, a punitive sanction for contempt of court may be imposed only pursuant to this section.
(5) If the defendant is found guilty of contempt of court under this section, the court may impose for each separate contempt of court a fine of not more than five thousand dollars or imprisonment in the county jail for not more than one year, or both.

RCW 26.09.100 (1) In a proceeding for dissolution of marriage, legal separation, declaration of invalidity, maintenance, or child support, after considering all relevant factors but without regard to marital misconduct, the court shall order either or both parents owing a duty of support to any child of the marriage dependent upon either or both spouses to pay an amount determined under chapter RCW 26.19 RCW.

RCW 26.16.205 The expenses of the family and the education of the children, including stepchildren, are chargeable upon the property of both husband and wife, or either of them, and they may be sued jointly or separately. When a petition for dissolution of marriage or a petition for legal

separation is filed, the court may, upon motion of stepparent, terminate the obligation to the support the stepchildren. The obligation to support stepchildren shall cease upon the entry of a decree of dissolution, decree of legal separation, or death.

RCW 26.18.040 (1) A proceeding to enforce a duty to support is commenced:
(a) By filing a petition for an original action; or (b) By motion in an existing action or under an existing cause number.
(2) Venue for the action is in the superior court of the county where the dependent child resides or is present, where the obligor resides, or where the prior support order was entered. The petition or motion may be filed by the obligee, the state, or any agency providing care or support to the dependent child. A filing fee shall not be assessed in cases brought on behalf of the state of Washington.
(3) The court retains continuing jurisdiction under this chapter until all duties of support of the obligor, including arrearages, with respect to the dependent child have been satisfied.

RCW 26.18.050 (1) If an obligor fails to comply with a support order, a petition or motion may be filed without notice under RCW 26.18.040 to initiate a contempt action as provided in chapter 7.21 RCW. If the court finds there is reasonable cause to believe the obligor has failed to comply with a support order, the court may issue an order

to show cause requiring the obligor to appear at a certain time and place for a hearing, at which time the obligor may appear to show cause why the relief should not be granted. A copy of the petition or motion shall be served upon the obligor along with the order to show cause.
(2) Service of the order to show cause shall be by personal service, or in the manner provided by the civil rules of superior court or applicable statute.
(3) If the order to show cause served upon the obligor included a warning that an arrest warrant could be issued for failure to appear, the court may issue a bench warrant for the arrest of the obligor if the obligor fails to appear on the return date provided in the order.
(4) If the obligor contends at the hearing that he or she lacked the means to comply with the support order, the obligor shall establish that he exercised due diligence in seeking employment, in conserving assets, or otherwise rendering himself or herself able to comply with the court's order.

RCW 26.19.020 Child support economic table
MONTHLY BASIC SUPPORT OBLIGATION PER CHILD
For income less than $600 the obligation is based upon the resources and living expenses of each household. Minimum support shall not be less than $25 per child per month.
Combined monthly net income 1800
Three children family, A 251

The economic table is presumptive for combined monthly net incomes up to and including five thousand dollars.

RCW 74.20.010 It is the responsibility of the state of Washington through the state department of social and health services to conserve the expenditure of public assistance funds, whenever possible, in order that such funds shall not be expended if there are private funds available by judicial process or otherwise to partially or completely meet the financial needs of the children of this state. The failure of parents to provide adequate financial support and care for their children is a major cause of financial dependency and a contributing cause of social delinquency. The purpose of this chapter is to provide the state of Washington, through the department of social and health services, a more effective and efficient way to effect the support of dependent children by the person or persons who, under the law, are primarily responsible for such support and to lighten the heavy burden of the taxpayer, who in many instances is paying toward the support of dependent children while those persons primarily responsible are avoiding their obligations. It is the intention of the legislature that the powers delegated to the said department in this chapter be liberally construed to the end that persons legally responsible for the care and support of children within the state be required to assume their legal obligations in order to reduce the financial cost to

the state of Washington in providing public assistance funds for the care of children. It is the intention of the legislature that the department provide sufficient staff to carry out the purposes of this chapter, chapter 74.20A RCW, the abandonment and nonsupport statutes, and any applicable federal support enforcement statute administered by the department. It is also the intent of the legislature that the staff responsible for support enforcement be encouraged to conduct their support enforcement duties with fairness, courtesy, and the highest professional standards.

RCW 74.20A.010 Common law and statutory procedures governing the remedies for enforcement of support for financially dependent minor children by responsible parents have not proven sufficiently effective or efficient to cope with the increasing incidence of financial dependency. The increasing workload of the courts, prosecuting attorneys, and the attorney general has made such remedies uncertain, slow and inadequate, thereby resulting in a growing burden on the financial resources of the state, which is constrained to provide public assistance grants for basic maintenance requirements when parents fail to meet their primary obligations. The state of Washington, therefore exercising its police and sovereign power, declares that the common law and statutory remedies pertaining to family desertion and nonsupport of minor children shall be augmented by additional remedies directed at the

real and personal property resources of the responsible parents. In order to render resources more immediately available to meet the needs of minor children, it is the legislative intent that the remedies herein provided are in addition to, and not in lieu of, existing law. It is declared to be public policy of this state that this chapter be construed and administered to the end that children shall be maintained from the resources of responsible parents, thereby relieving, at least in part, the burden presently borne by the general citizenry through welfare programs.

RCW 74.20A.030 (1) The department shall be subrogated to the right of any dependent child or children or person having the care, custody, and control of said child or children, if public assistance money is paid to or for the benefit of the child, to prosecute or maintain any support action or execute any administrative remedy existing under the laws of the state of Washington to obtain reimbursement of moneys expended, based on the support obligation of the responsible parent established by a superior court order or RCW 74.20A.055. Distribution of any support moneys shall be made in accordance with 42 U.S.C. Sec. 657.
(2) The department may initiate, continue, maintain, or execute an action to establish, enforce, and collect a support obligation, including establishing paternity and performing related services, under this chapter and chapter 74.20 RCW, or through the attorney general or

prosecuting attorney under chapter 26.09, 26.18, 26.20, 26.21, 26.23, or 26.26 RCW or other appropriate statutes or the common law of this state, for so long as and under such conditions as the department may establish by regulation.

RCW 74.20A.057 A support obligation arising under the statutes or common law of this state binds the responsible parent, present in this state, regardless of the presence or residence of the custodian or children.

Laws of New Mexico Territory

Vagrancy Act of 1853
Section 1, *Second.* All persons who are confirmed drunkards, who abandon, neglect, or refuse to assist in the maintenance of their families.
Section 3. Should the judge of probate or justice of the peace be satisfied from the declaration of the defendant, or competent testimony, that the person accused is a vagrant, he shall convict, and at his discretion sentence the vagrant to be imprisoned in the county jail at hard labor for the term of two months, bind out said vagrant to serve for any length of time, not exceeding five months, to any person resident of the county; and said agreement or contract made according to this section, shall have the same effect and force as a contract between a servant and master; and the person thus bound out, or contracted, shall be subject to the control of his master as if he were legally bound as

a peon, and the person to whom such convict shall be bound, may secure him, without cruelty, to prevent his escape.
Section 7. The money which results from the hire of any vagrant shall be applied by the judge of probate as the case may require; after paying the costs, the balance shall be paid over to the vagrant at the expiration of his term of service, and if he have a family, in this case, it shall be applied to their benefit.

Vagrancy Act of 1860
Section 11. The following described persons shall be considered vagrants:
2d. Persons who shall have abandoned their families, leaving them without the means of support.
Section 14. ... and in the case the accused shall be found guilty of vagrancy, it shall be the duty of the probate judge to confine him or her, as the case may be, in jail for the term of twenty days, unless he shall give bond to the Territory, with one or more securities, to be approved by the probate judge, in the sum of at least one hundred dollars, conditioned for his or her good conduct for the term of one year; and if during the year the accused shall commit any act of vagrancy or any crime or misdemeanor, the person under bond shall be subject to a fine; and if he shall have a family, such fine shall, when collected, be applied to the support thereof, or the support of any other person who by law he is compelled to maintain; and in case he shall

fail to give bond, he shall be sold as hereinafter provided.

VII. Statement of the Case

Roger W. Knight and Royanne M. Knight separated in September 1987. Mrs. Knight claimed custody of the three children.

On September 22, 1987, Mrs. Knight subrogated her right to support to the state in return for public assistance.

The Department of Social and Health Services (DSHS) served a Notice and Finding of Financial Responsibility on Mr. Knight on May 2, 1988.

Initial Decision was rendered by Administrative Law Judge Gail G. Maurer on August 23, 1988. See Appendix pp. 17-22.

Review Judge Kristal Wiitala Knutson affirmed the Initial Decision in her Review Decision on February 22, 1989. See Appendix pp. 11-16.

On March 23, 1989, Mr. Knight petitioned the King County Superior Court for review of the administrative decision, No. 89-2-04838-8.

On November 30, 1989, Judge Jim Bates denied Mr. Knight's First Motions for Declaratory and Injunctive Relief that the statutory scheme for child support is a bill of attainder. See Appendix p. 10.

On October 5, 1990, Judge James Dore denied Mr. Knight's Second Motions for Declaratory and Injunctive Relief that RCW 26.18.050 denied equal protection of the state Constitution's prohibition of

imprisonment for debt, and is involuntary servitude and peonage; and affirmed the administrative decision. See Appendix p. 9.

On October 8, 1990, Mr. Knight filed a Notice of Appeal to the Supreme Court of the State of Washington, No. 57619-0-I.

On February 4, 1991, the state Supreme Court denied direct review and transferred the appeal to the Court of Appeals, Division One, No. 27782-1-I.

On February 5, 1992, Commissioner Hudgins affirmed the Superior Court's decision. See Appendix pp. 3-8.

On February 11, 1992, Mr. Knight moved to modify the Commissioner's ruling.

On April 13, 1992, a panel of three judges denied the motion to modify. See Appendix p. 2.

On May 11, 1992, Mr. Knight petitioned the Supreme Court of the State of Washington for review, No. 59276-4.

On June 30, 1992, the state Supreme Court's Department II denied Mr. Knight's petition for review. See Appendix p. 1.

Mr. Knight now petitions this Court for a writ of certiori.

To comply with Rule 14(h), Mr. Knight further explains the history of his federal questions in the state courts:

The administrative law judges, Maurer and Knutson, did not have competent jurisdiction to rule on constitutional issues, as found by Review Judge Knutson. See Appendix p. 13.

Mr. Knight raised these questions in Superior Court on motions and the Superior Court ruled on all of these issues in denying the motions.
Mr. Knight briefed all of these issues on appeal. But the Court of Appeals only addressed his challenge to RCW 26.18.050 in its Commissioner's Ruling, though there is a brief mention of Mr. Knight's challenge to the child support statutes in general as bills of attainder. See Appendix p. 6.
Mr. Knight asked the panel of three judges to rule on the bill of attainder issue in his motion to amend the Commissioner's Ruling. The panel did not and upheld the Commissioner's Ruling.
Mr. Knight briefed the state Supreme Court on these federal questions in his Petition for Review. The state Supreme Court simply denied review.

VIII. Argument for Allowance of the Writ

A. Washington Statutes Concerning Child Support, Bill of Attainder.

The key issue in this case has always been whether the legislative presumption of liability to financially support a child based solely upon the parent and child relationship and the lack of custody of the child by the parent, however the level of support to be paid is determined, such presumption being completely irrebuttable, is a bill of attainder.
This Court has never ruled upon this question, and it should do so. The Washington appellate courts

affirmed denial of Mr. Knight's motions for declaratory and injunctive relief against enforcement of the statutory scheme based upon this irrebuttable presumption as a bill of attainder.

Both Congress and the states are getting more aggressive and punitive in imposing and enforcing support, and there is precious little case law concerning the prohibition of bills of attainder.

Decisions by this Court in cases involving child support clearly indicate that through no fault of its own, there is some unfinished business to attend to. This Court usually does not answer questions it is not asked.

In *Rivera v. Minnich,*(1987) 483 U.S. 574, 97 L. Ed. 2d. 473, 107 S. Ct. 3001, this Court determined that a preponderance of evidence is a sufficient level of proof to determine paternity. Justice Brennan's dissent focused in part on the financial liability for support, enforceable by incarceration, that flowed automatically from the establishment of the parent and child relationship, and therefore a higher standard of proof must be required.

But there is a question that Gregory Rivera did not ask, and he could have asked it, and Mr. Knight does ask: given the establishment of the parent and child relationship, is there anything *else* that needs to be proved to deprive a person of his property and liberty?

If there is no such requirement for imposing a support order, than the legislative presumption of financial liability to support is conclusive and irrebuttable. Such an irrebuttable presumption

imposing what Justice Brennan properly described as an onerous burden clearly offends due process and is a bill of attainder.

The injury in fact from which this case arises occurred when Royanne M. Knight left Mr. Knight. She claimed custody of the children and signed up for public assistance; the respondent prosecuted Mr. Knight for support pursuant to RCW 74.20A.

The irrebuttable presumption explicit in these chapters is that if a child is placed on public assistance, the parent without custody of that child owes a debt to the state for the support of that child. At no time does the state consider the less drastic means of securing the support of the children by switching custody to the bread winning parent. Custody to the breadwinner if a fit parent is not the policy of Washington or any other state.

The legislative presumptions are explicitly stated in RCW 74.20.010, RCW 74.20A.010, and RCW 74.20A.030. Mr. Knight has absolutely no means of rebutting these presumptions except by constitutional challenge.

The claim is made by the state that these legislative presumptions present a rational basis for these statutes and serve a compelling interest of government in the support of children. But no bill of attainder can by its legislative judgment provide any such rational basis for statute or any interest of government. To allow it to do so is to allow the very evil that the Philadelphia Convention intended to prevent or remedy: legislatures passing

judgments against persons or groups and using such findings to justify deprivations by legislative fiat.

An instructive opinion of a state court that to legislatively presume a liability, presumption that is irrebuttable, against the parent based solely on the basis of the parent and child relationship is to pass a bill of attainder is *Owens v. Ivey*,(1988) 525 N.Y.S. 2d 508.

The Washington court's determination that the child support laws applied to Mr. Knight are not bills of attainder is contrary to every decision of this Court as to inescapable liability and bills of attainder; particularly *Cummings v. Missouri*,(1867) 71 U.S.(4 Wall.) 277, 18 L. Ed. 356; *Ex parte Garland*,(1867) 71 U.S.(4 Wall.) 333, 18 L. Ed. 366; *United States v. Lovett*,(1946) 328 U.S. 303, 90 L. Ed. 1252, 66 S. Ct. 1073 and *United States v. Brown*,(1965) 381 U.S. 437, 14 L. Ed. 2d. 484, 85 S. Ct. 1707.

A legislative presumption of liability that is conclusive and irrebuttable and is imposed on a person or a group is clearly a bill of attainder.

Mr. Knight properly included all of the statutory provisions concerning child support in his challenge as to bill of attainder, including the repetitive enforcement provisions. However to keep the size of this petition within reason, he lists verbatim only those provisions applied directly to him and sufficient to establish the legislative presumption of liability, omitting most of the enforcement provisions. It is the presumptions that are key to a finding of attainder. If it is a bill of attainder, then

it cannot be enforced by any means. The enforcement provisions are merely the pains and penalties pursuant to the legislative presumption.

B. Contempt, Standing to Challenge

The state Court of Appeals found that Mr. Knight lacked standing to challenge the validity of RCW 26.18.050 on the grounds that he has yet to be prosecuted for contempt. This is contrary to federal practice where if a party is threatened by a statute, and such threat injures him, then he has the standing to challenge it.

Mr. Knight's complaint is that the threat of contempt proceedings in the statute specifically cited in the Order by Maurer, App. p. 22, Chapter 26.18 RCW, forces him to be employed under the constant threat of imprisonment, for being employed is the only way that he may comply with a support order set at about 40% of his net income. This is a distinct and palpable injury which meets the standing requirement defined by this Court in *Warth v. Seldin,*(1975) 422 U.S. 490, 45 L. Ed. 2d.343, 95 S. Ct. 2197 and in many other cases.

Where an individual is faced with a choice between foregoing allegedly lawful behavior(in this case the quitting of a job) and risking prosecution, courts will deem a case ripe rather than insist that the individual break the law and risk the consequences. *Abbott Laboratories v. Gardner,*(1967) 387, U.S. 136, 18 L. Ed. 2d. 681, 87 S. Ct. 1507. It is not necessary that party be prosecuted to be entitled to

challenge the constitutionality of statutes. *Babbitt v. United Farm Workers Natl. Union,*(1979) 442 U.S. 289, 302, 60 L. Ed. 2d. 895, 99 S. Ct. 2301; *Steffel v. Thompson,*(1974) 415 U.S. 452, 459, 39 L. Ed. 2d. 505, 94 S. Ct. 1209.

C. Contempt, Imprisonment for Debt, Equal Protection

Washington courts have generally found that except for criminal fines and support debts, Article I Section 17 of the Washington Constitution prohibits imprisonment for nonpayment of debts. The state's courts consider alimony and child support to not be debts within meaning of this provision. *In re Cave,*(1901) 26 Wash. 213, 66 P. 425; *McFerran v. McFerran,*(1960) 55 Wash. 2d. 471, 348 P.2d. 222. But the state's courts have never issued a published opinion on the issue of whether the Equal Protection Clause of the Fourteenth Amendment require states to refrain from imprisoning persons for support debts if their laws generally prohibit imprisonment for debt.

This Court has never ruled on this issue either. It should do so because of the widespread practice of enforcing support by contempt proceedings in states whose constitutions prohibit imprisonment for debt. The state Court of Appeals in this case ruled that because the contempt statute is rationally related to the government's interest in collecting child support, Mr. Knight is not denied equal protection

of the laws, citing *Duranceau v. Wallace,*(CA9 1984) 743 F. 2d. 709. See Appendix p. 7.

The error here is that *Duranceau* only considered the seizure of property to satisfy a debt or obligation, not the more severe remedy of imprisonment to coerce payment or to punish nonpayment, and it did not consider any equal protection issues.

In *Zablocki v. Redhail,*(1978) 434 U.S. 374, 54 L. Ed. 2d. 618, 98 S. Ct. 673, this Court found that child support is not an interest served by denying equal protection as to the fundamental right to marry. *Stanley v. Illinois,*(1972) 405 U.S. 645, 31 L. Ed. 2d. 551, 92 S. Ct. 1208 found that unwed fathers are entitled to equal protection as to the fundamental right to due process.

Most state constitutions prohibit imprisonment for debt because it is such a severe and abusive remedy for debts. Yet Washington denies this protection for debts incurred solely on the basis of having married and procreated. This Court has repeatedly found these to be the exercise of fundamental rights in decisions from *Skinner v. Oklahoma,*(1942) 316 U.S. 535, 86 L. Ed. 1655, 62 S. Ct. 182 to *Planned Parenthood v. Casey,*(1992), including *Zablocki.*

The use of contempt to enforce support is clearly an undue burden on the right to bear a child. This issue therefore requires the strict scrutiny standard. The threat of imprisonment is what induces support debtors to abscond. Once absconded, they usually do not send payments, which defeats the purpose of contempt in collecting child support.

A child needs his father more than he needs his father's money. We have a system that efficiently denies him both. This is why so many children never see their fathers again.

D. Contempt, Involuntary Servitude, Peonage

This Court has never ruled upon the question of whether the threat or fact of contempt proceedings, arrest, and imprisonment to coerce compliance or to punish noncompliance with a support order when the obligor can only comply by being employed is involuntary servitude and peonage.

It certainly should do so, because this issue will be raised again and again. Until it is decided, custodial parents and those who enforce support will risk federal lawsuits alleging crime of peonage and other violations of federal rights. They should either be safe from such lawsuits or be indicted for the crime. Either it is not peonage, or the Department of Justice has a job to do.

In the instant case, the state Court of Appeals ruled that this issue is "frivolous" without citing any case law, not even *McFerran v McFerran,*(1960) 55 Wash. 2d. 471, 348 P. 2d. 222. The way that the court handled Mr. Knight's case and the Washington Supreme Court's decision in *McFerran* that contempt for nonsupport is not involuntary servitude is in direct conflict with the California Supreme Court's decision in *Ex Parte Todd,*(Cal. 1897) 50 P. 1071 that a court cannot compel a man

to seek employment to earn money for alimony or support and punish him for failure to do so.

The general reasoning in this case and in *McFerran* by the Washington courts is contrary to every decision of this Court concerning the Thirteenth Amendment and the Antipeonage Act: 18 U.S.C. §1581 and 42 U.S.C. §1994. Specifically *Clyatt v. United States,*(1905) 197 U.S. 207, 49 L. Ed. 726, 25 S. Ct. 429; *United States v. Reynolds,*(1914) 235 U.S. 133, 59 L. Ed. 162, 35 S. Ct. 86; *Taylor v. Georgia,*(1942) 315 U.S. 25, 86 L. Ed. 615, 62 S. Ct. 415; and *United States v. Gaskin,*(1944) 320 U.S. 527, 88 L. Ed. 287, 64 S. Ct. 318.

In *United States v. Kozminsky,*(1988) 487 U.S. 931, 101 L. Ed. 2d. 788, 108 S. Ct. 2751 this Court reaffirmed the dictum that the threat of legal process proves involuntary servitude and that is exactly what RCW 26.18.050 provides: the threat of legal process to coerce employment.

In *Pollack v. Williams,*(1944) 322 U.S. 4, 88 L. Ed. 1427, 64 S. Ct. 792 this Court found that no indebtedness warrants the suspension of the right to be free from compulsory service, and no state can make quitting of work a crime, or make sanctions available for holding unwilling persons to labor.

While the Ninth Amendment may provide a basis for finding marriage, procreation, and even abortion to be fundamental rights, such rights incorporated upon the states by substantive due process in the Fourteenth Amendment, there are rights specifically enumerated and they must be

protected; the Constitution specifically prohibits bills of attainder and involuntary servitude.

The Antipeonage Act was originally passed in 1867, 14 Stat 546. The original Act specifically cites the system known as peonage in New Mexico Territory and is clearly intended to force the immediate and permanent abolition of this system in New Mexico and in every other territory and in every state.

Senator Lane spoke eloquently of the effect of peonage on a peon with a family to support: it is servitude for life. Congressional Globe 39th Cong. 2d. Sess. p. 1571, middle of middle column.

New Mexico's vagrancy law included family abandonment and nonsupport in its definition of vagrancy. It provided for the peonage of convicted vagrants and the use of money earned by such labor to support the family. New Mexico used peonage to enforce the duty to support a family.

Congress thus clearly intended that this duty is included in the phrase "debt or obligation, or otherwise" in the original Act and still in 42 U.S.C. §1994.

RCW 26.18.050(4) specifically provides that an obligor must "exercise due diligence in seeking employment". Child support as enforced in Washington is peonage.

This Court has the duty to put a stop to this criminal activity.

IX. Similar Cases in the Ninth Circuit

The Ninth Circuit Court of Appeals has before it two cases raising issues similar to this case: *P.O.P.S. v. Gardner, Thompson,* No. 91-36118 and *Knight v. Knight, Kafka,* No. 92-35173.

X. Conclusion

For the reasons stated herein, this petition for writ of certiori should be granted.

Respectfully submitted,

Roger W. Knight, pro se
28945 11th Pl. S.
Federal Way, Washington 98003
206-839-4107 home
206-237-3618 work

THE SUPREME COURT OF THE STATE OF WASHINGTON

ROGER W. KNIGHT, Petitioner, v. STATE OF WASHINGTON, DEPARTMENT OF SOCIAL AND HEALTH SERVICES, Respondent.	)	NO. 59276-4 C/A NO. 27782-1-I

This matter came before Department II of the Court on its June 30, 1992. Motion Calendar on Petition for Review. Department II having considered the Petition and the files herein;

Now, therefore, it is hereby

ORDERED:

That Petition for Review is denied.

DATED at Olympia, Washington this 30th day of June, 1992.

/s/ Fred Dore
CHIEF JUSTICE

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON DIVISION ONE

ROGER W. KNIGHT, Appellant, v. STATE OF WASHINGTON, DEPARTMENT OF SOCIAL AND HEALTH SERVICES, Respondent.	)	No. 27782-1-I
	)	ORDER DENYING MOTION TO MODIFY

Roger Knight filed a motion to modify the commissioner's ruling granting a motion on the merits and affirming the decision of the trial court. A panel of this court has considered the matter pursuant to RAP 17.7 and *State v. Rolax*, 104 Wn.2d 129, 702 P.2d. 1185(1985), and has determined that the motion should be denied. Now, therefore, it is hereby

ORDERED that the motion to modify is denied.

Done this 13th day of April 1991, (sic)

/s/ Forrest, J.

/s/ Grosse, C.J. /s/ Kennedy, J.

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON DIVISION ONE

ROGER W. KNIGHT, Appellant, v. STATE OF WASHINGTON, DEPARTMENT OF SOCIAL AND HEALTH SERVICES, Respondent.	) No. 27782-1-I) COMMISSIONER'S) RULING) GRANTING) MOTION ON THE) MERITS TO) AFFIRM

Roger Knight appeals from an order affirming an administrative decision setting Mr. Knight's child support obligation. The court set a motion on the merits to affirm pursuant to RAP 18.14(a). The commissioner has considered the record, heard argument and has determined that the motion should be granted.

FACTS

In April 1988 Department of Social Health Services (DSHS) served a notice of and finding of financial responsibility on Knight claiming that he owed a back support obligation for his two children and one stepchild, who had been recipients of public assistance from September 1988 to September 1990. His ex-wife, Royanne Knight, had assigned her child support rights to DSHS. Knight filed an

objection to the notice and an administrative hearing was held in June 1988. An administrative law judge set an accrued debt of $6,353 and a current support obligation or $753 per month. The DSHS office of appeals affirmed this decision.

In March 1989, Knight filed a petition for stay of enforcement of the DSHS decision. This motion was denied. After numerous other attempts by Knight to block effectuation of the child support order, the superior court affirmed the department's final administrative decision setting Knight's child support obligations and declared RCW 26.18.050[1] constitutional. Knight appeals from this order.

---

[1]RCW 26.18.050 provides:

"(1) If an obligor fails to comply with a support order, a petition or motion may be filed without notice under RCW 26.18.040 to initiate a contempt action as provided in chapter 7.21 RCW. If the court finds there is reasonable cause to believe the obligor has failed to comply with a support order, the court may issue an order to show cause requiring the obligor to appear at a certain time and place for a hearing, at which time the obligor may appear to show cause why the relief requested should not be granted. A copy of the petition or motion shall be served on the obligor along with the order to show cause.

...

"(4) If the obligor contends at the hearing that he or she lacked the means to comply with the support order, the obligor shall exercise due diligence in seeking employment, in conserving assets, or otherwise in rendering himself or herself able to comply with the court's order."

ISSUE

Is RCW 26.18.050, providing for contempt proceedings against a child support obligor who has failed to comply with the trial court order, unconstitutional?

CRITERIA FOR DETERMINING WHETHER TO GRANT A MOTION ON THE MERITS TO AFFIRM

RAP 18.14(e)(1) provides:

> A motion on the merits to affirm will be granted in whole or in part if the appeal or any part thereof is determined to be clearly without merit. In making these determinations, the... commissioner will consider all relevant factors including whether the issues on review (a) are clearly controlled by well settled law, (b) are factual and supported by the evidence, or (c) are matters of judicial discretion and the decision was clearly within the discretion of the trial court.

In applying these criteria in light of *State v. Rolax*, 104 Wn.2d 129, 702 P.2d 1185 (1985), the commissioner determines that the issues presented are clearly without merit.

DECISION

Knight raises numerous constitutional challenges to RCW 26.18.050 even though contempt proceedings have never been initiated against him. The state urges there is no controversy at issue and Knight lacks standing to challenge the statute. Knight's contentions are clearly without merit.

A person has standing to raise constitutional questions when he has a "personal stake in the outcome of the controversy." *Machioro v. Chaney,* 90 Wn.2d 298, 303, 582 P.2d 487 (1978), quoting *DeFunis v. Odegaard,* 82 Wn.2d 11, 24, 507 P.2d 1169 (1973). The person challenging the constitutionality of a law must show that it has harmfully affected him. *State v. Jendry,* 46 Wn. App. 379, 384, 730 P.2d 1374 (1986), review denied, 108 Wn.2d 1007 (1987); accord, *Bitts Inc. v. Seattle,* 86 Wn.2d 395, 397, 544 P.2d 1242 (1976) . Knight concedes that contempt proceedings have not been initiated against him. He merely complains that because he knows of people who have been imprisoned for not paying support, he is somehow imperiled by the statute. Clearly, Knight has not yet been prosecuted under this statute and therefore does not have standing to complain of it.

Even if Knight had standing, his constitutional challenges are entirely without merit. He contends that Washington child support law, RCW 26.18.050, in particular, constitute bills of attainder. Bills of attainder are defined as "legislative acts, no matter what their form, that apply either to named individuals or to easily ascertainable members of a group in such a way as to inflict punishment on them without a judicial trial..." *United States v. Lovett,* 328 U.S. 308, 315-16. 90 L. Ed. 2d(sic) 1252, 66 S. Ct. 1073 (1946); *State v. Scheffel,* 82 Wn.2d 872,881, 514 P.2d 1052 (1973). Clearly, RCW 26.18.050 is not a legislative act punishing individuals without judicial trial. The statute

provides for numerous due process protections. Moreover, RCW 26.18.050 does not unfairly single out any group or individual but instead applies to all non-custodial parents and stepparents who have been, judicially determined to owe child support obligations

Knight's argument that child support arrearages are debts and that it is unconstitutional to be imprisoned for nonpayment of a debt is also clearly without merit. It is well settled law in Washington that the constitutional prohibition against imprisonment for debts does not apply to child support obligations. *Aetna Life Ins. Co. v. Bunt.* 110 Wn.2d 368, 378, 754 P.2d 993 (1988); *In re Cave,* 26 Wash. 213, 66 P. 425 (1901).

Knight's contention that RCW 26.18.050 violates equal protection is also clearly without merit. He contends that the statute discriminates against low income parents who cannot afford to pay child support and that it unfairly favors custodial parents who never face a threat of contempt proceedings. This contention is fallacious, however, because the inability to pay is a defense to contempt proceedings. RCW 26.18.050(4). The State clearly has a legitimate interest in collecting child support from noncustodial parents. *Duranceau v. Wallace,* 743 F.2d 709, 711 (9th Cir. 1984). The child support contempt statute is rationally related to this legitimate government purpose.

Finally Knight's argument that the statute promotes involuntary servitude and peonage is also clearly without merit. There is no factual support in the

record for his claim that he is forced into slavery to pay child support. This argument is entirely frivolous. Now, therefore, it is hereby
ORDERED that the motion on the merits is granted and the judgment of the trial court is affirmed.
Done this 5th day of February, 1992.

/s/ Mary Ellen Hudgins
Court Commissioner

SUPERIOR COURT OF WASHINGTON
COUNTY OF KING

Roger W. Knight, Petitioner,	)	No. 89-2-04838-8
v.	)	ORDER
State of Washington, Department of Social & Health Services, Respondent.	)	AFFIRMING DECISION

The above-entitled Court, reviewed the final administrative decision of DSHS in Docket No. 0588 D-1213 entered on February 22, 1989 by the Office of Appeals; Mr. Knight appearing pro se; Kathryn L. Kafka, Assistant Attorney General, representing DSHS; the court having reviewed the records and files herein and having conducted a Superior Court appellate review of the administrative decisions under the Administrative Procedures Act (APA) the Court enters the following order:

IT IS HEREBY ORDERED that (1) The final administrative decision of DSHS in Docket No. 0588 D-1213 entered on February 22, 1989 by the Office of Appeals is affirmed; (2) the Petitioner's Second Motions for Injunctive and Declaratory Relief are denied; (3) the Court declares that RCW 26.18.050 is constitutional.

DATED: October 5, 1990.

/s/ James Dore
JUDGE

SUPERIOR COURT OF WASHINGTON
COUNTY OF KING

Roger W. Knight, Petitioner,	)	No. 89-2-04838-8
v.	)	ORDER ON CIVIL
State of Washington, Department of Social and Health Services, Respondent.	)	MOTION

THIS MATTER having come before the undersigned Judge/Commissioner of the Above-entitled court upon the motions by Roger Knight for declaratory judgment and for injunction; Roger Knight appearing pro se; the State of Washington, Department of Social and Health Services (DSHS) by and through its attorneys, Kenneth O. Eikenberry, Attorney General and Kathryn L. Kafka, Assistant Attorney General; the court having reviewed the records and files herein and having heard the arguments of both parties;

IT IS HEREBY ORDERED that the motions for declaratory judgment and for injunction are denied.

DONE IN OPEN COURT this 30th day of November, 1989.

/s/ Jim Bates
JUDGE/COMMISSIONER

STATE OF WASHINGTON, DEPARTMENT OF SOCIAL AND HEALTH SERVICES
OFFICE OF APPEALS

In Re.	) Docket No. 0588 D-1213
Roger W. Knight	)
12712 SE 163rd	) REVIEW DECISION
Renton, WA 98058	)
Appellant	) D# 586476

NATURE OF ACTION

The Appellant has petitioned for review of the Initial Decision entered on August 23, 1988, by Gail G. Maurer, Administrative Law Judge (ALJ), and alleges as follows:

(l) The paragraph warning of collection action without further notice should be rewritten to better reflect the state and federal constitutions.

(2) Appellant should not be required to pay child support for his stepchild as her biological father has been ordered to pay support for her.

(3) Appellant's overtime pay should be taken out of the calculation.

(4) Appellant is paid every two weeks and averaging his pay over the year to determine support imposes hardship on him.

(5) Appellant does not have the ability to pay the amount ordered.

(6) Failure to allow Appellant to retain sufficient funds to pay for his litigation costs will interfere with his rights.

(7) Appellant requests information of the medical, dental, and vision benefits provided by the Department to his family.

The Department filed its Response to Appellant's Petition for Review.

FINDINGS OF FACT

The initial findings of Fact are adopted as Findings of Fact herein.

OPINION

(l) Review of the Initial Decision is governed by WAC 388-11-105(3), which authorizes a petition for review to be based on any of the following grounds:

(a) An irregularity in the conduct of the administrative law judge or in the issuance of an order which prevented a fair hearing;

(b) A prevailing party's misconduct;

(c) An administrative law judge's abuse of discretion;

(d) New evidence which could not have been discovered with reasonable diligence before the hearing;

(e) A claim that the findings of fact are not supported by substantial evidence

(f) An error in mathematical computation;

(g) A claim that the decision is contrary to law;

(h) A claim that the petitioner is unable to perform according to the terms of the order without further clarification;

(i) A claim that substantial justice has not been done;

(j) The occurrence of fraud or a witness's misstatement of material facts;

(k) A clerical mistake in the decision and/or
(l) A claim that a default order, entered because the responsible parent failed to appear at the hearing, should be vacated and the case remanded upon a showing of good cause.
To the extent relevant and consistent, review is to be made in accordance with the rules in Chapter 388-08 WAC. WAC 388-11-105(2).
(2) Appellant first challenges the constitutionality or the warning of possible income withholding action without further notice as stated in the Initial Decision. The contested language is required to be included in support orders. RCW 26.23.050 (4)(b) and WAC 388-11-210(12). ALJs and Review Judges are required to apply Department rules as the first source of law in resolving a dispute and may not invalidate them. WAC 388-08-00401(2) and (3). The ALJ's statement was correctly included and worded under the law. Any challenges to the constitutionality of this provision must be made in the courts of this state.
(3) Appellant further argues that he should not be required to pay support for his stepchild. Under the evidence presented at the hearing, it was shown that the stepchild was part of the family unit formed when the Appellant married the mother. He assumed responsibility for the child's support at that time which has continued even though he is separated from the biological mother. *Groves v. DSHS,* 42 Wn. App. 84 (1985). Appellant is a responsible stepparent and a responsible parent under the rules and accordingly is liable to support this child. WAC

388-11-011(11) (Rev. 691); WAC 388-11-011(10) and (11) (Rev. 851). His liability for the support of the child is joint and several with that of other responsible parents, including the biological father. RCW 26.16.205. Appellant's duty to pay and the amount he must pay is to be determined independently of the other responsible parent and is not affected by any court order of support affecting the other parent's obligation. As a stepparent, Appellant must continue to provide support on this child's behalf until the marriage is terminated. WC 388-11-155(b) (Rev. 851).

(4) The Appellant protests the inclusion of all of the overtime earnings when computing his average net income over the last twelve months as the amount varies and he was not guaranteed any particular number of hours. However, he provided no evidence at the hearing to show that his work situation was going to change in the near future. The average over a twelve month period was thus a fair prediction of his future earnings. Under WAC 388-11-190, income is defined to include all moneys received "from any sources whatsoever." The definition of gross income in WC 388-11-200(2) (Rev. 851) specifically includes overtime. Deduction of nonrecurring overtime/bonus income is authorized when computing net income under WAC 388-11-200(4). While Appellant may not have the same amount of overtime each month, averaging it out over a period of twelve months would necessarily result in inclusion of recurring income. The ALJ

thus did not err in the net income used for Appellant to calculate his support debt..

(5) The Appellant further requests that his support be based on the receipt of two paychecks per month. Appellant is paid every other week so in some months he receives two paychecks and in others he is paid three times. The net monthly income used by the ALJ is an average over a twelve month period which would divide up the work hours and pay periods over an entire year to neutralize the effect of long and short months. There is no error in the ALJ's use of the average monthly figure that will result in Appellant paying less in some months and more in others than if support was calculated on a weekly basis.

(6) Appellant claims inability to pay the amount ordered due to his monthly living expenses and his litigation costs in an unrelated lawsuit. Appellant demonstrated no unusual circumstances of excessive reasonable necessities that could be found to impact his ability to pay the support ordered before July 1, 1988. WAC 388-11-100(3) (Rev. 710). Consumer debts for other purposes including litigation could not be given preference over the duty to support a child. WAC 388-11-190. After July 1, 1988, a reduction of five percent in the basic support obligation is authorized if a responsible parent's involuntary debts for medical bills, court-ordered restitution, and civil judgments are more than fifty percent of annual income. WAC 388-11-205(3)(g) (Rev. 851). Appellant has shown no reason to allow his monthly support obligation to be decreased.

(7) Further claims are made that the Department has failed to comply with discovery requests made by the Appellant. This matter was not before the ALJ and thus cannot be addressed on review. If Appellant's request for public disclosure of documents has been denied, he has recourse available through appeal of that decision under WAC 388-320-210.

(8) The undersigned has considered the Initial Decision, Petition for Review, and that portion of the record relevant to the above issues. It is concluded that. pursuant to WAC 388-11-105, there is no basis for modification of the Initial Decision and Order. The Initial Decision must, therefore. be affirmed .

The Initial Decision is affirmed.

FILED on the date of mailing.

/s/ KRISTAL WIITALA KNUTSON
Review Judge

cc: Roger W. Knight, Appellant
Seattle OSE
Seattle OAH

BEFORE THE WASHINGTON STATE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

In Re:	) Docket No. 0588 D-1213
Roger W. Knight	) D# 586476
12712 SE 163rd	)
RENTON, WA 98058	) FINDINGS OF FACT,
	) CONCLUSIONS OF
Appellant,	) LAW, INITIAL
	) DECISION AND
	)ORDER

A hearing was held before GAIL G. MAURER, Administrative Law Judge (ALJ), at Seattle, Washington, on June 20, 1988, and continued to August 3, 1988. for submission of documents. Appellant appeared. The Department of Social and Health Services (DSHS), Office of Support Enforcement (OSE) was represented by Julie S. Bell, Claims Officer.

FINDINGS OF FACT

1. OSE served upon Mr. Knight a Notice and Finding of Financial Responsibility (Notice) on April 19, 1988, and an Amended Notice was served on June 1, 1988. The Amended Notice states a belief that Mr. Knight owes a support obligation for three dependent children, and asserts as findings a $1,859.02 accrued support debt for the periods September 29, 1987 through November 27, 1987 (two children); March 29, 1988 through April 18, 1988 (one child); and April 19, 1988 through April

30, 1988 (three children) and $769.27 per month future current support commencing May 1988.

2. Mr. Knight objected to the Notice on May 2, 1988. The objection was timely.

3. Mr. Knight is the natural father of Matthew A. Knight, born October 3, 1986. and Axel T. Knight, born March 19, 1988. and the stepfather of Frances N. Swanson, born March 21, 1984. The natural mother of the three children is Royanne M. Knight, Mr. Knight's wife. Mrs. Knight received AFDC public assistance on behalf of Matthew and Frances beginning September 18, 1987. Axel was added to the three-person assistance grant March 29, 1988. DSHS is continuing to expend public assistance moneys for the four-person assistance unit.

Mr. Knight has had an ability to earn and continues to earn a monthly net income of $1,832. Mrs. Knight's income is limited to the receipt of Aid to Families with Dependent Children (AFDC) and food stamp benefits.

5. Mr. Knight claims he is entitled to credit for child support paid during the debt periods. He has offered into evidence numerous payments purporting to be child support. A review of the evidence establishes that a payment of $300 was made directly to Mrs. Knight on September 18, 1987. Payments made during the 60-day period September 29, 1987 through November 27, 1987, were consumer debts unrelated to the payment of current support. Payments made during December through March 28, 1988, were made for both consumer bills and medical costs of the children. DSHS is not seeking

support for payments made during that period. A payment of $75 to a medical clinic on April 6, 1988, was for the benefit of the children. A $7 payment to a creditor on April 1988 was made after service of the Notice.

6. Mr. Knight has reasonable necessities computed on a monthly basis as follows

House payment	$611
Utilities	110
Work-related transportation	150
Food	200
Auto insurance	57
TOTAL	$1,128

Additionally, Mr. Knight is paying approximately $100 per month on a loan taken through his credit union for substantial medical expenses relating to the birth of his third child, as well as other bills.

7. A superior court order has not been entered requiring Mr. Knight to pay a specific sum for the support of the children named herein.

CONCLUSIONS OF LAW

1. There is jurisdiction to hear this matter pursuant to Chapter 74.20A Revised Code of Washington (RCW) and Chapter 388-11 Washington Administrative Code.(WAC)

2. Mr. Knight is the responsible parent of Matthew A. Knight, Axel T. Knight, and Frances N. Swanson.

3. Jurisdiction to determine Mr. Knight's liability for support has not been superseded by a superior court order. WAC 388-11-110.

4. The support obligation and debt for periods prior to July 1, 1988, will be determined with reference to the statute and rules effective at the time incurred. The rules provide that a responsible parent with one child receiving pubic assistance is presumed to have an ability to pay 24% of net income, two children 35%, and three children 42%. Forty-two percent of Mr. Knight's $1,832 net income is $769. Subtracting $769 from that income leaves approximately $1,100 for Mr. Knight to meet his needs. He has not overcome the presumption of an ability to pay child support as determined with reference to the WAC 388-11-190 minimum child support schedule in effect prior to July 1, 1988. The support debt for the periods prior to July 1, 1988, is computed as follows:

> September 29, 1987 through November 27, 1987 (2 children) $1,832 x 35% ($641) x 2 months = $1,282
>
> March 29, 1988 through April 18, 1988 (one child) $1,832 x 24% ($440) x 21/30 = $308
>
> April 19, 1988 through April 30, 1988 (three children) $1832 x 42% ($769) x 12/30 = $308
>
> May and June 1988, $1,832 x 42% = $769 x 2 = $1,538

There shall be allowed as a credit toward this support debt a portion of the $300 paid to Mrs. Knight on September 18, 1987, and $75 paid for medical needs on April 6, 1988. DSHS is requesting payment for two days in September, thus 2/30 of $300, or $20, will be allowed as a credit in

September. The total credit is $95. The support debt owing prior to July 1, 1988, is $4,847.

5. Beginning July 1, 1988. child support is determined under the Washington State Child Support Schedule (WSCSS). The schedule with instructions and economic table requires that a responsible parent with a monthly net income between $1,800 and $1,900 shall pay $251 per month per child for each child under 12 years or age for a total of $753 per month. The instructions provide that where one of two parents is receiving public assistance moneys and no other income, that income is totally disregarded, and 100 percent of the economic table Monthly Basis Support is assessed against the parent with earned income, in this case, Mr. Knight. There are no unusual circumstances of a special nature to justify deviating from the support schedule and the obligation is $251 per month per child, or $753, beginning July 1, 1988. The support debt for July and August 1988 is $1,506. The total support debt is $6,353 ($4,847 prior to July 1 + $1,506 July and August).

ORDER, FINDINGS OF FACT AND CONCLUSIONS OF LAW have been entered herein:

NOW THEREFORE IT IS ORDERED THAT

1. Appellant owes an accrued debt of $6,353, and shall pay thereon $50 per month payable by the last day of each month, beginning October 1988.

2. Appellant shall pay periodic future support of $753 per month, payable by the last day of each month, beginning September 1988.

3. Appellant shall pay by draft to:
Washington State Support Registry and mail said draft to Washington State Support Registry, P.O. Box 9009, Olympia, WA 98504.

IF A SUPPORT PAYMENT IS MORE THAN FIFTEEN DAYS PAST DUE IN AN AMOUNT EQUAL TO OR GREATER THAN THE SUPPORT PAYABLE FOR ONE MONTH, A NOTICE OF PAYROLL DEDUCTION MAY BE ISSUED OR OTHER INCOME WITHHOLDING ACTION UNDER CHAPTER 26.18 RCW OR CHAPTER 74.20A RCW MAY BE TAKEN, WITHOUT FURTHER NOTICE TO THE APPELLANT.

THE PARTIES SHALL NOTIFY THE WASHINGTON STATE SUPPORT REGISTRY OF ANY CHANGE IN RESIDENCE ADDRESS.

ENTERED AND FILED at Seattle, Washington, on the date of mailing.

/s/ GAIL G. MAURER
Senior Administrative
Law Judge
Office of Administrative
Hearings.